

cavity, and a pin hole are required by claim 1 to be positioned along a first plane extending parallel to the plane of symmetry. The other neck wall member, its pin receiving cavity, and a pin hole are arranged along a second plane extending parallel to the plane of symmetry. The pin holes and pin receiving cavities of Dawson's block are not arranged in a plane.

Maguire et al. do not teach or describe the use of pins in a block or a wall and do not show pin receiving cavities. Maguire et al. do show shallow parallel grooves adapted to engage a projecting knob of an underlying block.

For one of skill in the art to arrive at the present retaining wall block (claim 1) and retaining wall (claim 8), one would have to examine the teachings of Maguire et al., which indicate that pin connection systems are undesirable, ignore this teaching, take some of the elements from the Dawson block (i.e., pin holes and pin cavities), rearrange those elements (in Dawson, the pin holes and pin receiving cavities are offset and are not positioned along a plane parallel to a plane of symmetry) and then combine them with the block disclosed in Maguire et al. to arrive at the present block. The only way a person of skill in the art would rearrange and combine elements in this manner is through the use of hindsight, which is an improper basis for rejecting these claims.

Applicants reassert that, absent hindsight, there is no reason for one of ordinary skill in the art to combine the pins and the pin cavities of the Dawson retaining wall block with the retaining wall block of Maguire et al. The teachings of Maguire et al. lead one away from making such a combination because Maguire et al. point to the difficulties and disadvantages of prior art blocks having pin connection systems and walls made therefrom (see Column 1, lines 16 to 27 and lines 43 to 47 and again at Column 4, lines 20 to 31).

Accordingly, Applicants respectfully request that the rejection of claims 1 and 3 to 15 under 35 U.S.C. § 103(a) be withdrawn.

Response
Applicants: Robert A. MacDonald et al.
Serial No.: 09/312,352

Attorney Docket: KEY1019US

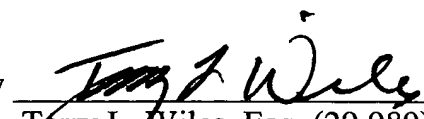
In view of the above remarks, Applicants respectfully request reconsideration and withdrawal of the rejections of the claims.

If any additional fees are due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 16-2312. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

Date: 5/30/01

By


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